

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)	
)	
Implementation of the Commercial)	MB Docket No. 11-93
Advertisement Loudness Mitigation)	
(CALM) Act)	
)	

Directed to: Office of the Secretary
Attention: Chief, Media Bureau

STREAMLINED FINANCIAL HARDSHIP WAIVER CERTIFICATION

1. By this pleading and the attached certificate, Pinnacle Media, LLC ("Licensee"), licensee of Stations KWNL-CD, Facility ID 52426, Fayetteville, AR and KLRA-CD, Facility ID 57548, Little Rock, AR, hereby certifies that KWNL-CD and KLRA-CD require a one-year delay to achieve compliance with the requirements of the Commercial Advertisement Loudness Mitigation Act (the "CALM Act") and requests a waiver of the December 13, 2012 deadline for compliance.

2. Pursuant to the streamlined waiver process set forth in the Commission's December 13, 2011 *Report and Order* in this proceeding, Licensee requests waivers for KWNL-CD and KLRA-CD as a "small broadcast station."¹ Under the procedures adopted in the *Order*, station seeking a waiver on this basis must certify to the Commission that it qualifies as a "small broadcast station" and that it requires a delay of one year to obtain specified equipment to avoid financial hardship.²

¹ *Order* at 17253-54.

² *Id.*

3. As set forth in the attached Certification of a Managing Member, Licensee certifies that KWNL-CD and KLRA-CD satisfies the definition of "small broadcast station" by virtue of having less than \$14 million in gross annual receipts. The certification recites that to avoid financial hardship the Licensee requires a one-year delay to obtain certain the equipment necessary for KWNL-CD and KLRA-CD to comply with the Commission's CALM Act requirements.

4. Accordingly, Pinnacle Media, LLC respectfully requests a one-year waiver for KWNL-CD and KLRA-CD to comply with the CALM Act.

Respectfully submitted:

By: 

Greg Fess
Managing Member

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October 15, 2012

CERTIFICATION OF GREG FESS

I, Greg Fess, hereby certifies as follows:

1. I am a Managing member of Pinnacle Media, LLC.
2. Pinnacle Media, LLC is the licensee of Stations KWNL-CD, Facility ID 52426, Fayetteville, AR and KLRA-CD, Facility ID 57548, Little Rock, AR.
3. During calendar year 2011, the stations had less than \$14 million in annual gross receipts, based on gross receipts received during the year. It is anticipated that KWNL-CD and KLRA-CD will also have less than \$14 million in annual gross receipts for 2012.
4. To achieve compliance with the Commission's CALM Act requirements, I estimate costs in the range of \$20-25,000 per station, for encoding and monitoring equipment and software the enable KWNL-CD and KLRA-CD to be able both to ensure that the audio level of commercials is not excessive and to check compliance when as it may be required.
5. To avoid a financial burden that we cannot afford to meet at this time, Pinnacle Media, LLC requests a one-year waiver of the Commission's CALM Act requirements for KWNL-CD and KLRA-CD.



Name: Greg Fess

October 15, 2012